

# Hearing Aid Dispensers Bureau Advisory Committee Meeting

Department of Consumer Affairs  
400 R Street Suite 3020, Mini Modisette Conference Room  
Sacramento, CA 95814

Friday, March 18, 2005

## **MEETING MINUTES**

### I. Meeting called to Order

Chairperson Marva Johnson-Wright called the meeting to order at 10:00 a.m. Roll was called and a quorum was established.

### II. Welcome and Introductions

#### Members Present:

Marva Johnson-Wright  
Ann Cony  
Robert Gnam  
Kimberly Gates

#### Staff Present:

Kathy McKeever, Bureau Chief,  
Yvonne Crawford, Hearing Aid Dispensers Bureau  
Annette Ferreirae, Hearing Aid Dispensers Bureau

### III. Approval of September 26, 2003 Minutes

Ms. Johnson-Wright made a motion to approve the minutes as published. Ms. Cony seconded the motion and they were approved as published. Ms. Gates recused herself from the approval process because she was not at the September 26, 2003 meeting.

### IV. Bureau's Chief Update

Ms. McKeever introduced herself and shared with the committee that she had been appointed to the position in July 2004.

#### Fund Condition

The first item discussed by Ms. McKeever was the fund condition which reflects the Hearing Aid Dispensers Bureau's (bureau) expenditures and reserve funds. The reserve fund for the bureau is quite significant, but the bureau will be expending funds on two major items, equipment for staff (replacement of new computers) and the implementation for a new automated applicant tracking system. There was further discussion regarding the funding of the applicant tracking system and Ms. McKeever explained that the costs would be

incorporated into the departmental 2005-2006 fiscal year pro-rata costs that are distributed to all the programs.

### Sunset Report

Upon conclusion of the budget discussion Ms. McKeever advised the members that the focus for the bureau was the sunset report. Ms. McKeever explained that during the 1998 sunset review the Joint Legislative Sunset Review Committee (JLSRC) identified eight issues that needed to be addressed by the Hearing Aid Dispensers Bureau (bureau) for the next sunset review. Ms. McKeever went through the eight issues.

Issue #1 – Should the bureau be continued? Ms. McKeever advised the members that the department and bureau agreed that the hearing aid dispensers HAD should be licensed and regulated.

Issue #2 – Should HADEC continue its efforts to strengthen the education requirements for hearing aid dispenser licensing applicants, including encouraging the development of educational programs in the state's community colleges, which would provide applicants with the required knowledge and competency to become licensed dispensers? Ms. McKeever shared with the committee that this was the only issue that has not been completed addressed by the bureau for recommendation to the JLSRC. Therefore, Ms. McKeever requested the committee's assistance.

Issue #3 – Should HADEC transfer the continuing education function to a professional association, which represents hearing aid dispensers? Ms. McKeever advised the committee that the department did not make a recommendation on this issue during the 1998 sunset review and therefore, the JLSRC voted to leave the continuing education function with the bureau.

Issue #4 – Should an electric tracking system be implemented to obtain timely, accurate and complete licensing and enforcement data? Ms. McKeever informed the committee that the JLSRC adopted the recommendation that the bureau implement an electronic applicant tracking system and that the bureau is in the planning stages of implementing the department's applicant tracking system. The automated system is also used by many of the boards and bureaus in the department.

Issue #5 – Should HADEC implement electronic testing for the written examination? Ms. McKeever advised the committee that the JLSRC adopted the recommendation for electronic testing and that shortly after the 1998 sunset review, the bureau started the process to initiate a contract for computer-based testing for the written portion of the examination.

Issue #6 - Should HADEC report to the Joint Committee on the large number of fraud complaints against licensees, and discuss possible causes and solution? Ms. McKeever stated to the committee that the JLSRC adopted the recommendation that the bureau report back to them by October 1, 1998. Ms. McKeever further stated that a copy of the actions taken by the bureau in 1998 was included in the agenda packet.

Issue #7 – Should licensing fees be increased as recommended by HADEC? Ms. McKeever recommended to the committee that fees did not need to be increased. The committee members concurred with the recommendation.

Issue #8 – Should HADEC be continued as an independent board, or should it be merged with another licensing board or should its functions and operations be assumed by the Department? Ms. McKeever summarized the history of the bureau when it became a commission and eventually a bureau with the advisory committee membership.

#### Legislation – AB 615

Ms. McKeever explained that AB 615 proposed to authorize over-the-counter sale of hearing aid devices, if consistent with federal law. A member of the audience shared with the committee members that the bill was being sponsored by the senior legislature and clarified that the Federal Drug Administration refused to approve the over-the-counter sales of hearing aid devices. Ms. McKeever advised the committee members that the Assembly Health Committee was hearing the bill on April 12, 2005, but that there was no “position”.

At the conclusion of the Bureau Chief’s report, the committee members returned to the discussion of the educational requirements and Mr. Gnam indicated that from his understanding from prior discussions, legal counsel had advised the committee that it was an issue for the committee to make a proposal to require that the age minimum to be licensed be raised to 21 years old. Ms. McKeever responded that the bureau would like the input from the committee members on requirements for licensure. Ms. Gates asked bureau staff if there were percentages on the number of licensees who received their initial license at 18 years of age. Staff responded that the data was not maintained or available. There was some further discussion on minimum age requirements by the committee members, but no recommendations were made.

#### V. Consumer Outreach

There was discussion by the committee members regarding the power point package that was being prepared by the bureau for committee members and staff to use when making presentations and participating in consumer outreach events. Ms. McKeever responded that she was trying to determine what options were available to provide information to consumers and had included the current consumer brochures in the agenda packet for the committee members to review. Ms. Johnson-Wright asked the bureau staff if they had received any suggestions from other health providers on the information provided in the consumer brochures. The staff responded that they had not received any suggestions, but a member from the audience suggested that a hearing health care provider be included in the review of the brochures. Ms. Johnson-Wright thanked the audience member and asked Ms. McKeever if she could seek additional information regarding the translation of the brochures into one or two different languages.

#### VI. Educational Requirements for Licensure

Mr. Gnam opened the discussion by explaining to the other committee members and audience that the committee members had previously reviewed and discussed the number of licensees that had taken the examination and the failure rate and whether the applicants

were properly educated or trained, but no conclusions had been reached because the committee was still fact finding. Ms. McKeever deferred to an audience member to clarify to the committee members the reason why the education requirement was discussed during the sunset review. The audience member responded that education requirements surfaces whenever legislation is being considered. However, it has never resulted in any educational changes. Additionally, Hearing Healthcare Providers has not taken any official positions on the issue of education, but will place the item on their agenda for the next meeting.

The committee members adjourned for a ten-minute recess and returned to continue discussion regarding the educational requirements. Ms. Norine Marks, Legal Counsel for the bureau suggested that the committee members conduct an informational hearing to gather input from the industry on educational requirements. From the informational hearing, the committee members could then make a recommendation to the Director for the sunset report. The members concurred with legal counsel's suggestion and selected the month of May 2005 for the informational hearing.

## VII. Written and Practical Examination Update

Ms. Yvonne Crawford, bureau staff shared with the committee that in 2004 the bureau conducted six examination development workshops. Five of the workshops were related to the development and updating of the written portion of the examination and the remaining workshop was to clarify wording in the practical portion of the examination. In June 2004, the bureau also conducted an expert examiner training session, which added fourteen new examiners. Ms. Crawford also shared with the committee that in 2004, three practical examinations were administered, with an overall average pass rate of 56% for the three examinations.

A discussion ensued regarding the training of the expert examiners. The chairperson was interested in the format of the training provided to the examiners and it was discovered that the format had not been revised for many years. Legal counsel suggested that the department's Office of Examination Resources should be invited to one of the committee's future meetings to discuss the training format for the expert examiners and the steps that may be taken to update the training as well as an open discussion on the occupational analysis, as it related to the passage rate on the examinations.

A member of the audience shared with the committee that for many years the average passing rate has been in the range of 53% to 68% and the passing and/or failing of the examination is predicated on the training the candidate receives. Therefore, the pre-licensure pathway was implemented to provide the training before an applicant took the final examination as well as ensure that the consumer is receiving adequate care.

## VIII. Dates for Future Meetings

The committee identified May 20<sup>th</sup> and June 2005 for the next advisory committee meetings.

## IX. Public Comment

Ms. Del Mugnaio, Executive Officer for the Speech Pathology and Audiology Board introduced herself and asked who was the appointing power for the two vacancies on the

committee. Ms. McKeever responded that both of the vacancies were Governor appointees and if anyone in the audience or if the Speech Pathology Board had interested parties, she would be happy to forward their names to Ms. Nancy Hall, the department's liaison with the Appointments Secretary in the Governor's Office.

Ms. Del Mugnaio was also interested in the continuing education course review experts used by the bureau. Ms. Del Mugnaio indicated in 2003 that the bureau had concerns regarding the course review experts and asked if new experts had been appointed to review the courses. Ms. McKeever responded that her understanding is that the concerns stemmed from the lengthy time it was taking for three different experts to review the course content and it was streamlined to only use one expert, if necessary to review the course(s). Another member of the audience expressed concern how the audiology continuing education courses were being reviewed and that there is no one new added to the expert course review. No further comments were made.

#### X. Adjournment

The chairperson moved to adjourn the meeting and Ms. Kimberly Gates seconded the action.